



COUNTY OF LOS ANGELES
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May 25, 2012

Agenda No. 78
05/29/12

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

**Re: Report Back on Action Required to Appoint Interim Assessor Upon
Vacancy**

Dear Supervisors:

On May 22, 2012, your Board directed our office to report back in one week with what action would be required for the Board to appoint a successor if the office of Assessor is vacated.

Both the California Constitution and the Los Angeles County Charter ("Charter") require that the Assessor of a county shall be elected. Cal. Const. Art. XI, sections 1(b) and 4(c), and Charter, Article IV, section 12. State law provides for various ways an elective office becomes vacant prior to expiration of the term. Most applicable to the current office of Assessor, a vacancy will exist upon the happening of one of the following: resignation, ceasing to discharge duties for at least three consecutive months, conviction of either a felony or any offense (including misdemeanors) involving violation of official duties, a recall election, or accusation by the Grand Jury for willful or corrupt misconduct in office submitted to the District Attorney and resulting in conviction.

In the context of a vacancy, a conviction means that a trial court judgment is entered, which includes upholding and implementing a plea of guilty or no contest. Upon such a plea, but before implementation by the trial court, a public officer may be immediately suspended from duties pending removal.

Once the office is vacant, the Charter requires the Board to appoint a replacement who will remain in office until a successor is elected at the next general election. The appointment should be made within a reasonable time. In the time after the vacancy and before the appointment, the duties of the Assessor may be discharged by a chief deputy, assistant, or deputy next in the line of authority.

The timing of the next general election for a successor is dependent on when the vacancy occurs. The standard deadline for ordering an election is 88 days in advance of the dates specified in the Elections Code. That deadline has passed for the June 5, 2012, election. The deadline for the November 6, 2012, election is August 10, 2012. If a vacancy exists prior to August 10, 2012, then a successor will be elected by plurality vote on November 6, 2012, and the Board's appointee will hold office until that successor takes office on December 3, 2012. If a vacancy does not occur prior to August 10, 2012, the Board's appointee will hold office until a successor is elected and sworn in at the next general election in 2014, starting with the June primary election and ending with the November general election.

Generally, in order to qualify for the position of the Assessor, the person must be a registered voter in Los Angeles County. However, there are exceptions to this rule. Additionally, the person must currently hold, or obtain, an appraiser certificate from the State Board of Equalization. A temporary certificate may also be obtained within 30 days of appointment.

If you have questions concerning this matter, please contact me, Senior Assistant County Counsel Elizabeth M. Cortez at (213) 974-1810, or Deputy County Counsel Brandi M. Moore at (213) 974-1832.

Very truly yours,



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